

AS

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 96-093-C - ORDER NO. 96-435 ✓
JUNE 28, 1996

IN RE: Request of AT&T Communications of the) ORDER
Southern States, Inc. Filing of) HOLDING
Interconnection Agreements.) RULING IN
) ABEYANCE

AT&T Communications of the Southern States, Inc. (AT&T or the Company) filed a letter with the Public Service Commission of South Carolina (the Commission) requesting that the Commission require, pursuant to Section 252 (a) of the Telecommunications Act of 1996, (the Act), all interconnection agreements, including those negotiated before the date of enactment of the Act, between incumbent Local Exchange Company (LEC) and other carriers be submitted to the Commission. Further, AT&T requested copies of such agreements be served on it. The Commission considered the matter and held that oral arguments would be held so that the Commission could further consider the legal issues involved with regard to AT&T's request.

Oral arguments were held on June 19, 1996 at 10:30 a.m. The Honorable Rudolph Mitchell, presided. AT&T was represented by Francis P. Mood, Esquire. BellSouth Telecommunications was represented by Harry M. Lightsey, III, Esquire. GTE South, Inc. was represented by Mary League, Esquire. The Consumer Advocate for

the State of South Carolina was represented by Elliott F. Elam, Jr., Esquire. MCI Telecommunications was represented by John M. S. Hoefer, Esquire and Susan Berlin, Esquire. The South Carolina Telephone Coalition was represented by Margaret M. Fox, Esquire, and the Commission Staff was represented by F. David Butler, General Counsel.

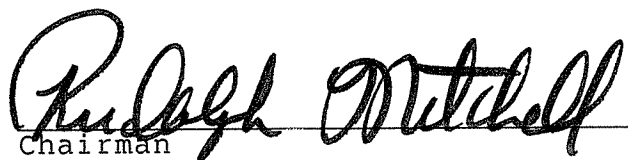
The sides were pretty evenly split on the subject of whether or not LECs should be required to furnish copies of the agreements. For example, AT&T argued that both federal and state law require all interconnect agreements to be filed with the Commission, even those negotiated prior to the date that the Telecommunications Act of 1996 became law. The LECs and others argued that the various sections of the Federal act had to be examined as a whole and that the agreements negotiated prior to the institution of the Act have no relevance to present day telecommunications practice. Further, it was argued that S.C. Code Ann. Section 58-9-290 has nothing to do with the interconnect agreements discussed in the Act.

The Commission has examined this matter, and notes with interest that the Federal Communication Commission (FCC) is expected to render a decision on this same question on or about August 8, 1996 at the Federal level. We believe that the better practice in this instance is for us to wait to render our decision until some time after the FCC renders its decision. We believe that any decision rendered by us at this time could possibly turn out to be inconsistent with the FCC's decision. We therefore order that our decision shall be held in abeyance until sometime after

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the rendering of the FCC decision. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director

(SEAL)